

(Ireland.)

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B I L L



To amend an Act of the last Session, for facilitating the Employment of the Labouring Poor in the distressed Districts in Ireland, so far as relates to Compensation for Damages.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH^{EREAS} an Act was passed in the last Session of Parliament, intituled, "An Act to facilitate the Employment of the Labouring Poor for a limited Period in the distressed Districts in Ireland:" And whereas another Act was passed in the present Session of Parliament, intituled, "An Act to render valid certain Proceedings for the Relief of Distress in Ireland, by Employment of the Labouring Poor, and to indemnify those who have acted in such Proceedings:" And whereas under the provisions of the said Acts the Commissioners of Public Works in Ireland were authorized to execute the Works therein provided to be executed for the relief of the Poor; and for that purpose, by themselves and their officers and persons employed by them, to take and acquire any ground that might be necessary for the making of such Works, satisfaction being rendered to the proprietors or occupiers in the manner by the said first-recited Act provided: And whereas, under the provisions of the said recited Acts, the cost of executing such Works (save Works of Drainage and Subsoiling in the said secondly-recited Act mentioned) were directed to be charged upon the respective baronies, half-baronies, electoral divisions, or parts of electoral divisions, districts, counties of cities, or counties of towns, as the case may be, for which such Works were presented, and to be levied in like manner as poor-rate; and it is expedient that the compensation for damages caused by taking of land for

Preamble:

9 & 10 Vict., c. 107.

10 Vict., c. 10.

the execution of such Works should be charged upon the same respective places, and in the same manner respectively :

And whereas, owing to the great extent of the failure of the Potato crop, and the number of such Works required to be executed for the employment of the Poor, the compensation claimed for damages is likely to amount to a considerable sum, and it is therefore expedient to make other provision for the levy and payment thereof, than is by the said first-recited Act provided, and to postpone such levy and payment for a limited time ;

BE it therefore Enacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT after the passing of *this Act* no presentment for compensation for damages under the provisions of the said recited Acts, or either of them, shall be made at the Summer Assizes of this year, nor shall any warrant be issued by the Treasurer for the levy of any sum of money presented for such damages before the passing of this Act at such Summer Assizes until the respective times hereinafter mentioned ; but it shall and may be lawful for the respective persons claiming such compensation for damages, and who shall have obtained certificates respectively as to such damages from the proper officers of the said Commissioners of Public Works under the provisions of the first-recited Act, or this Act, upon giving such notice as in the said first-recited Act required, to make any such application to the Grand Jury, or to enter such traverse for damages, and for the respective Grand Juries to present for such damages at the Spring Assizes of the year *One thousand eight hundred and Forty-eight*, but not at any subsequent Assizes (unless some order of the Court shall be made at such Spring Assizes for the adjournment of any such application, traverse, or presentment respectively), the sums so presented, to be paid in the manner hereinafter mentioned, and such applications, traverses or presentments, and the several matters relating to the same, shall be subject to like provisions as in the said first-recited Act contained, as such provisions are amended by this Act : Provided always, That the claims of the several parties interested in the same premises, and claiming such compensation, shall, so far as conveniently may be, be heard, considered or tried together.

1.
Traverse, &c., for Damages under the recited Acts not already tried, to be postponed to the Spring Assizes 1848, at which Assizes all such claims for Damages to be made good.

2.
Provisions as to Compensation for Damages to apply to Works under secondly-recited Act.

And be it Enacted and Declared, That applications for compensation as aforesaid, and traverses for damages, may be made, entered or presented for in respect of damages caused by the taking of land for works executed under the provisions of the said secondly-recited Act,

(save

(save works of Drainage and Subsoiling as aforesaid), in like manner as in the case of Works executed under the provisions of the said first-recited Act: Provided, That certificates shall be obtained from the respective officers of the said Commissioners of Public Works, pursuant to the provisions of the said first-recited Act, and this Act.

And be it Enacted, That, anything in the said first-recited Act to the contrary notwithstanding, any certificate of the amount of damage sustained, or of other matters in the said Act specified and therein required to be given by the officer or County Surveyor, by whom any such Work shall have been or shall be executed, may be given by any officer of the said Commissioners of Public Works, by them appointed for that purpose, and that in such certificate, the total estimated amount of the damage or injury done to all parties interested in the same premises, may be stated in one sum, the officer making due allowance in fixing such amount for any advantages conferred by such Work upon such parties, but without distinguishing the precise amount of damage to each or any of such parties: Provided always, That nothing herein or in the said recited Acts contained shall be construed to prevent the Grand Jury, or any Jury before whom such claim shall be tried upon a traverse, from increasing or lessening the amount of compensation mentioned in such certificate.

3.
Certificates from
Officers of the
Board of Works.

And be it Enacted, That in the case of any such presentment made at the said Summer Assizes, or hereafter to be made for the payment of any sum or sums of money to any person or persons, as the occupier or occupiers of such land, such sum or sums of money shall be inserted in and levied under the separate warrant of the Treasurer, to be issued at the time of issuing such Treasurer's warrant for the levy of Grand Jury cess after the Spring Assizes in the year *One thousand eight hundred and Forty-eight*, in the case of such presentments already made or to be made at the said Spring Assizes, in the year *One thousand eight hundred and Forty-eight*, as and in all other cases after the Assizes at which such presentment shall be made, and such sum or sums, when the same shall be levied under such warrant, shall be paid over to such respective person or persons entitled thereto.

4.
The amount of
Damages presented
to be paid to Occu-
piers shall be levied
after the Assizes at
which the Present-
ment is made.

And be it Enacted, That when at such Summer Assizes any sum of money shall have been presented before the passing of this Act for such damages to be paid to any person or persons other than the occupier of any land, such sum shall not be levied or inserted in the Treasurer's warrant for such levy until after the said Summer Assizes *One thousand eight hundred and Forty-eight*; and in all cases of such presentments to be made after the passing of this Act for such damages to be paid to such person or persons other than occupiers, it shall be

5.
Sums awarded for
Damages, to other
persons than Occu-
piers, may be pre-
sented to be raised
and paid after the
following Assizes or
to be raised by Ten
Installments.

lawful for the respective Grand Jury, if they shall so think fit, to present that the sum presented shall be paid to such person or persons other than the occupier, either in one sum to be raised and levied after the Assizes next succeeding that at which such presentment shall be made, or to be raised and levied by any number of instalments, not exceeding Ten, after the said last-mentioned and each succeeding Assizes, till the same shall be fully raised and levied, and such sum or instalments shall be accordingly raised and levied, and shall, when so levied, be paid over to the person or persons so entitled.

6.

Abatement of Rent
in certain cases.

Provided always, and be it Enacted, That in all cases where upon the trial of any such traverse any sum of money shall be awarded to be paid to any owner not being the occupier of the premises in respect of which such money shall be awarded, it shall be lawful for the Jury, in giving their verdict, to fix and determine what abatement, if any, shall be made in the rent payable by the tenant or occupier of the said premises, to such owner, and in such cases such owner shall have all the same and like remedies for the recovery of any such abated rent as he may have had for the recovery of the original rent of such premises.

7.

Sums presented for
Damages to be
raised and levied off
respective Baronies,
&c., as Poor-rates.

And be it Enacted, That any such sum of money which, before the passing of this Act, shall have been presented at the said Summer Assizes, or which after the passing of this Act shall at any subsequent Assizes be presented for damages as aforesaid, under the provisions of the said recited Acts, or either of them, shall be raised and levied off the barony, half-barony, electoral division, part of an electoral division, district, county of a city or county of a town, as the case may be, in which the land taken and occupied for any such Work as aforesaid is situate, and for which such Work shall have been presented, and shall be levied under a separate warrant of the Treasurer, which he is hereby required to issue, and shall be charged upon and apportioned, raised and levied upon and from the occupiers of and other persons rateable in respect of lands and hereditaments within such barony, half-barony, electoral division, part of an electoral division, district, county of a city or county of a town respectively, and rated under the then last preceding rate or rates, made or from time to time made in respect of the same, under the provisions of an Act of the first and second years of the reign of Her present Majesty, for the more effectual Relief of the destitute Poor in Ireland, and the several Acts amending the same, and shall be payable by the respective rate-payers, who, under the said last preceding rate or rates shall have paid or contributed or been liable to pay or contribute rate in respect of property in such barony, half-barony, electoral division, part of an electoral division, district, county of a city or county of a town, according to the several valuations

valuations and proportions according to which respectively such last preceding rate or rates shall have been so made, charged upon and payable by the rate-payers in respect of such land or hereditaments respectively; and any such sum of money shall be apportioned, assessed and levied by the respective high constable or collector of grand jury cess for or in such barony, half-barony or place, as a poundage assessment, equally upon the net annual value of the several lands and hereditaments within such barony, half-barony, electoral division, part of an electoral division, district, or county of a city or county of a town respectively, rated as aforesaid, as such net annual value shall have been stated in such last preceding rate or valuation as aforesaid; and on receipt of the respective County Treasurer's warrant as aforesaid, such high constable or collector is hereby authorized and required to levy the money therein mentioned, and to give to the parties paying the same separate duplicate receipts therefor, which shall not be subject to stamp duty; and such money shall and may be collected and levied, sued for and recovered by such and the same ways and means as any grand jury cess, or the money apportioned on the several persons liable to pay any grand jury cess, or any rate for the relief of the destitute poor, may be collected and levied, and with like powers, authorities, and privileges and immunities to any such collector as in case of the levying of any grand jury cess, or any rate for the relief of the destitute poor in Ireland, and the several clauses, provisions, powers and authorities in the said first-recited Act contained with respect to the monies to be raised and levied under the same, and the collectors thereof and their powers, proceedings, securities and duties, and the obtaining copies of rates and valuations, and any penalty in respect of the same, and with respect to any deduction to be made from any rent in respect of any assessment under the said Act, and also the several provisions and powers of the said Acts for the more effectual relief of the destitute poor in Ireland, with respect to any such deduction to be made from rent or tithe, shall be extended and applied to the monies to be assessed, raised or levied under the provisions of this Act; and the several words and expressions to which an extended meaning is given in the said first-recited Act shall include the like significations in this Act.

Powers of recovery.

And be it Enacted, That it shall be lawful for any Judge at the assizes or presenting term to certify under his hand the number of days on which the Court at such assizes or presenting term shall have been occupied in the hearing or trying of any such traverses for damages under the said recited Acts, or either of them; and thereupon such Judge shall make out an order under his hand, directing the respective Treasurer of the county, county of a city or county of a town, or the Finance Committee, in the case of the county of Dublin, as the case may be, to pay to the respective Clerk of the Crown for

8.
Judge of Assizes to certify the number of days on which the Court was occupied in trying Traverses for Damages under recited Acts, and to order the Treasurer to pay the Clerk of the Crown Three Guineas for each such day.

such respective county, county of a city or county of a town, a sum of *Three Guineas* for each day on which it shall appear by such certificate that the Court was occupied, in the hearing or trying of any such traverses for damages ; and such Treasurer or Finance Committee, as the case may be, is hereby authorized and required, out of any public money in his or their hands, forthwith to pay to such Clerk of the Crown any such sum of money so ordered, and such Treasurer or Finance Committee shall be allowed the same in his or their accounts ; and the Grand Jury of such respective county, county of a city or county of a town shall at such assizes, or the next following assizes or presenting term, as the case may be, present all sums so paid to the Clerk of the Crown, to be raised off the respective county, county of a city or county of a town, without any previous application to presentment sessions ; and it shall not be lawful for any Clerk of the Crown, Crier or officer of the Court to demand or take any fee for or in respect of any such traverse for damages, or presentment of the same, under the said recited Acts, or either of them, other than is hereinbefore provided.

No other Fees to be taken.

9.
Interpretation as to the County of Dublin.

And be it Enacted, That in the construction of this Act, in the case of the county of Duhlin, unless the context and the nature of the case shall require a different construction, the word " Assizes " shall include the presenting Term ; the word " Treasurer " shall include the Finance Committee ; and the periods for the levy and payment of monies under this Act shall, as regards the said county, be deemed to be the respective periods for the levy and payment of the respective moieties of grand jury cess in such county.

10.
Act may be amended, &c., this Session.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.